

Article - Natural Resources

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§8–1808.3.

- (a) (1) This section applies notwithstanding:
 - (i) Any other provision of this subtitle; or
 - (ii) Any criteria or guideline of the Commission adopted under this subtitle.
- (2) This section may not be construed to affect a credit applicable to a stormwater management practice that is approved by the Department of the Environment.
- (b) Lot coverage in the buffer may not exceed the minimum amount necessary for water-dependent facilities, regardless of the critical area classification or the size of the parcel or lot, except:
 - (1) For a buffer exemption area, as mapped or established under an approved local program;
 - (2) For a variance granted in accordance with this subtitle; or
 - (3) As provided in a waterfront revitalization area or a waterfront industrial area under a local program.
- (c) This section controls over any other requirement concerning lot coverage limitations in limited development areas and resource conservation areas in the critical area.
- (d) (1) Except as otherwise provided in this subsection for stormwater runoff, lot coverage is limited to 15% of a parcel or lot.
 - (2) If a parcel or lot one-half acre or less in size existed on or before December 1, 1985 in the Chesapeake Bay Critical Area or on or before June 1, 2002 in the Atlantic Coastal Bays Critical Area, then lot coverage is limited to 25% of the parcel or lot.
 - (3) If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985 in the Chesapeake Bay Critical Area or

on or before June 1, 2002 in the Atlantic Coastal Bays Critical Area, then lot coverage is limited to 15% of the parcel or lot.

(4) Unless otherwise restricted by a local jurisdiction, lot coverage in a subdivision approved after December 1, 1985 in the Chesapeake Bay Critical Area or after June 1, 2002 in the Atlantic Coastal Bays Critical Area may not exceed 15%. However, the total lot coverage on an individual lot one acre or less in size may exceed 15%.

(e) This section does not apply to a trailer park that was in residential use on or before December 1, 1985 in the Chesapeake Bay Critical Area or on or before June 1, 2002 in the Atlantic Coastal Bays Critical Area.

(f) A local jurisdiction may allow a property owner to exceed the lot coverage limits provided in subsection (d)(2) and (3) of this section if the following conditions exist:

(1) Lot coverage associated with new development activities on the property has been minimized;

(2) For a lot or parcel one-half acre or less in size, total lot coverage does not exceed lot coverage limits in subsection (d)(2) of this section by more than 25% or 500 square feet, whichever is greater;

(3) For a lot or parcel greater than one-half acre and less than one acre in size, total lot coverage does not exceed lot coverage limits in subsection (d)(3) of this section or 5,445 square feet, whichever is greater;

(4) Water quality impacts associated with runoff from new development activities that contribute to lot coverage can be and have been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality; and

(5) The property owner performs on-site mitigation as required by the local jurisdiction to offset potential adverse water quality impacts from the new development activities that contribute to lot coverage, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation.

(g) All fees collected by a local jurisdiction under subsection (f)(5) of this section must be used to fund projects that improve water quality within the critical area consistent with the jurisdiction's local critical area protection program.

(h) (1) In this subsection, "legally developed" means that all physical improvements to a property:

(i) Existed before Commission approval of a local program; or

(ii) Were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction.

(2) (i) A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for purposes of lot coverage requirements.

(ii) For the purpose of increasing lot coverage on a lot or parcel under subparagraph (i) of this paragraph, the lot coverage limitations under this section may not be construed to apply to a development activity for which:

1. A building permit was issued before July 1, 2008;
and

2. Construction was initiated and an inspection was performed before July 1, 2009.

(i) A local jurisdiction may grant a variance from the provisions of this section in accordance with the provisions of this subtitle, regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11, and notification of project applications set forth in COMAR 27.03.01.

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